



Comptroller General
of the United States
Washington, D.C. 20548

Decision

Matter of: Linda K. McClain

File: B-255936

Date: January 25, 1995

DIGEST

An employee on extended temporary duty away from her permanent duty station was authorized to use a privately owned vehicle at her temporary duty station. She returned by common carrier to her permanent station for official business, rented a vehicle at the airport near her permanent station, and retained the vehicle while there for commuting and other personal uses. Under 41 C.F.R. § 301-2.3(c)(1) and previous decisions, the cost of vehicle rental may be allowed, but only to the extent of the cost of her travel to and from the carrier terminal not to exceed the usual taxicab or limousine cost for the same travel. Since the employee did not perform official business at her permanent station which required the use of a vehicle, the rental cost for purposes other than travel to and from the carrier terminal may not be allowed.

DECISION

This decision responds to a request from the Department of Energy (DOE)¹ concerning the employee's entitlement to be reimbursed for rental car use during required return visits to her permanent duty station in South Carolina while she was assigned to extended temporary duty in Washington, DC. The employee may be partially reimbursed as explained below.

Ms. Linda K. McClain, an employee of the DOE, stationed at its Savannah River Operations Office (SR), Aiken, South Carolina, was authorized to perform extended temporary duty in Washington, DC, from August 22 through November 30, 1993. She was a candidate to join the Senior Executive Service; several of her rotational assignments in preparation for the SES were in the Washington, DC, area. She was authorized to use her privately owned vehicle (POV) both to travel to Washington and to move about from location to location in the area, as required by her SES candidate program. The use of her POV made it unnecessary for her to rent a vehicle while on duty there, or to depend on other available transportation. Her travel order did not authorize the use of her POV

¹The request came from Mr. John R. Pescosolido, Director, Finance Division, Savannah River Field Office.

for return trips to Savannah River, authorizing her "to return to SR to conduct official business via common carrier as required."

During her extended temporary duty in the Washington, DC, area, Ms. McClain made three return trips to her permanent duty station to conduct official business.² Each time, she left her POV in Washington, flew to Augusta, Georgia, and rented an automobile at the airport to complete her journey to her permanent station. On each trip, she retained the rental vehicle for transportation between her residence and her office, for other personal use, and for transportation back to the airport for her return flight to Washington.

Ms. McClain filed travel vouchers claiming, among other items, the cost of renting the automobiles for the entirety of each period she was at her permanent station. That part of her claim was disallowed by the DOE certifying officer because she was at her permanent duty station and no official travel was involved.

Ms. McClain has appealed that determination. She argues that it was cost-beneficial to the government for her to drive her POV to Washington and use it there instead of renting a vehicle. She points out that since she was not authorized to drive her POV for her required return trips to her permanent station, she needed a vehicle for her use there, including for travel between the airport and her office, for commuting to work while at her permanent station, and for other purposes. She concludes that there has been a net savings to the government by that arrangement. The agency, in turn, suggests that payment of Ms. McClain's transportation costs could be based on the rules applying to a voluntary return for weekends,³ and thus allowable to the extent that those costs do not exceed those that would be allowable at her temporary duty location for those non-workdays had she remained there. The agency asks whether the cost savings from requiring use of a POV in Washington can be taken into account in determining the overall constructive cost to compare to the actual cost of return including car rental.

We find no basis for the arrangements suggested by DOE under section 301-7.15 of the Federal Travel Regulation (FTR). That section relates to limited reimbursement of employees returning from their temporary duty locations to their permanent stations to perform official duties on non-workdays, or voluntary return for non-workdays in lieu of remaining at the temporary duty station for those non-workdays. Ms. McClain's return trips to her permanent station were required in order to perform official duties at her permanent station on workdays. Therefore, her travel expenses for her return trips are not limited to the per diem allowances and travel expenses she would have received had she remained at her temporary duty location. Since she was traveling on official business,

²Those trips were: (1) Thursday, Sept. 9 to Sunday, Sept. 12, 1993; (2) Friday, Oct. 22 to Sunday, Oct. 31, 1993; and (3) Tuesday, Nov. 23 to Sunday, Nov. 28, 1993.

³41 C.F.R. § 301-7.15 (1993).

she is entitled to round-trip transportation expenses and en route per diem for her three round trips between Washington and Aiken.

Under the provisions of section 301-2.3(c)(1) of the FTR,⁴ an employee may be reimbursed for the usual taxicab and airport limousine fares, plus tip, between a common carrier or other terminal and either the employee's home or place of business at the official station or place of business or lodging at a temporary duty point. In construing this provision, we have held that an employee who rented an automobile for travel to and from carrier terminals may be reimbursed that cost, but not in excess of the usual taxicab or limousine cost between those points. Ernest D. Ellsworth, B-196196, Aug. 19, 1980, and cases cited.⁵

The facts in Ernest D. Ellsworth, *supra*, are similar to those in the present case. Mr. Ellsworth, on tour renewal agreement, travel from Guam to Hampton, New Hampshire, rented an automobile at the London airport to transport himself and his family to Hampton, to use during the 3 weeks he stayed there, and to travel back to the Boston airport. We allowed reimbursement for the rental car cost based on a proration of the rental fee for the entire period. Accordingly, he was entitled to the cost he would have incurred for the car rental at the applicable daily rate for the 2 days during which he used the rented vehicle to travel to and from the airport (the only portion that could be considered official travel), not to exceed the usual taxi or limousine fare. However, we found no basis for allowing reimbursement for the rental cost for any other days as the car was not used for official travel. We believe that the rationale of the Ellsworth decision applies to Ms. McClain's case.

The established rule is that employees must bear the cost of transportation between their residences and their official duty stations, absent statutory or regulatory authority to the contrary.⁶ However, section 301-3.2(a) of the FTR⁷ permits the rental of a vehicle for use when the employee is performing official business within or outside his/her designated post of duty, if such use is authorized or approved as advantageous to the government. The record shows that Ms. McClain was not authorized to rent a vehicle while at her permanent duty station, nor did she perform official business which required the use of a vehicle there. The only use she made of the rented vehicle while at her permanent station was to commute to her post of duty and to perform other personal travel. Since rental costs may be reimbursed only if the vehicle is used on authorized official business, Ms. McClain may not be reimbursed for the use of the rental vehicle while she was at her

⁴41 C.F.R. § 301-2.3(c)(1) (1993).

⁵See also Ronald D. Beeman, 60 Comp. Gen. 38 (1980).

⁶60 Comp. Gen. 420 (1981); William M. Gasa, B-214383, May 8, 1984, and decisions cited.

⁷41 C.F.R. § 301-3.2(a) (1993).

permanent station during the periods involved, except for the cost of her travel to and from the airport, the only portion that can be considered travel for an authorized official business purpose.

The record does not show whether Ms. McClain received a special weekly or other discount rate because she rented the vehicle for a period longer than the actual days for which travel between the Augusta airport and her permanent station was required. However, the government should not benefit if she was able to effect savings based on the longer period.¹ We conclude, therefore, that Ms. McClain may be reimbursed for the rental car at the basic daily rental fee for the 2 days necessary to make the trips between the Augusta airport and her permanent station or home and her fuel and related costs for each of those trips, but not to exceed the usual taxi or limousine fare for these trips.

Robert P. Murphy
General Counsel

¹Marty J. Dama, B-235070, Oct. 6, 1989.